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EXAMINER

BILGRAMI, ASGHAR H

ART UNIT PAPER NUMBER

2143

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,531

Applicant(s)

GAGE, KEVIN

Examiner

Asghar Bilgrami

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/09/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the renumbering of the claims by the applicant in the amendment, the examiner has withdrawn the claim objections.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al (U.S. 6,580,462) and Kostreski et al (U.S. 5,635,979).
4. As per claims 1, 2, 11, 17 & 18 Inoue disclosed an apparatus for generating a multimedia output and an audio output from a distributed network comprising: a network input port adapted to receive a multimedia program from the network (col.4, lines 46-58); a data storage adapted to store said multimedia program (col.2, lines 23-49 & col.10, lines 31-39); a controller adapted to receive selections from a customer and to generate commands responsive to said selections (col.10, lines 40-49); a separator responsive to said commands and adapted to selectively separate said multimedia program into one of a multimedia output signal and an audio signal; a processor processing said audio signal to generate a digital output signal formatted for

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reproduction by a digital audio reproduction device (col.2, lines 32-49); and an audio output stage outputting said digital output signal (col.7, lines 1-10 & col.7, lines 36-67, col.8, lines 20-60). However Inoue does not explicitly show that the network is a broadband network. In the same field of endeavor Kostreski discloses the network is a broadband network (col.3, lines 66-67 & col.4, lines 1-10).

At the time the invention was made it would have been obvious to one in the ordinary skill in the art to incorporate broadband network capability as taught by Kostreski in the apparatus for processing multimedia programs as taught by Inoue in order to make the multimedia system more versatile with added broadband network capability to provide multimedia to users.

5. As per claim 3 Inoue-Kostreski disclosed the apparatus of claim 1 wherein said input port includes a media reader (Inoue, col.5, lines 1-13 & col.8, lines 1-12).

6. As per claim 4 Inoue-Kostreski disclosed the apparatus of claim 3 wherein said input port includes a DVD reader (Kostreski, col.2, lines 23-49, col.10, lines 31-39 & col.15, lines 1-4).

7. As per claim 5 Inoue-Kostreski disclosed the apparatus of claim 1 wherein said separator is adapted to generate output signals including an audio and a video component (Inoue, col.7, lines 36-67).

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8. As per claim 6 Inoue-Kostreski disclosed the apparatus of claim 1 wherein said separator is adapted to generate output signals including a multichannel audio signal (Inoue, col.8, lines 45-60).

9. As per claims 7 & 14 Inoue-Kostreski disclosed the apparatus of claim 11 wherein audio signal is a multichannel audio signal; and wherein said processor includes a folder circuit adapted to fold said multichannel audio signal, and an encoder adapted to encode the folded audio signal using a standard compression protocol (Inoue, col.7, lines 36-44 & col.8, lines 45-60).

10. As per claim 8 Inoue-Kostreski disclosed the apparatus of claim 7 wherein said audio output stage further includes a compressor that compressor said stereo channel audio signal into a compressed digital output signal (Inoue, col.15, lines 18-39).

11. As per claims 9,13 & 22 Inoue-Kostreski disclosed the apparatus of claim 12 wherein said multimedia program is compressed using an MPEG protocol and wherein said decoder is adapted to use said MPEG protocol to decode said multimedia program (Inoue, col.12, lines 49-55).

12. As per claims 10& 23 Inoue-Kostreski disclosed the apparatus of claim 8 wherein said compressor compresses said stereo channel using an ATRAC standard (Inoue, col.15, lines 18-39).

13. As per claim 12 Inoue-Kostreski disclosed the apparatus of claim 11 wherein said multimedia program is compressed and wherein said separator is adapted to decompress said multimedia program (Inoue, col.7, lines 61-67 & col.8, lines 45-53).

14. As per claim 15 Inoue-Kostreski disclosed the apparatus of claim 14 wherein said encoder is adapted to encoded said folded audio signal using an MPEG protocol (Inoue, col.7, lines 61-67 & col.8, lines 45-53).

15. As per claim 16 Inoue-Kostreski disclosed the apparatus of claim 14 wherein said encoder is adapted to encode said folded audio signal using an ATRAC protocol (Inoue, col.15, lines 18-39).

16. As per claim 19 Inoue-Kostreski disclosed the method of claim 17 wherein said multimedia program is compressed using an MPEG protocol further comprising decompressing said multimedia program using the MPEG protocol to generate one of said multimedia output signal and said audio signal (Inoue, col.7, lines 61-67 & col.8, lines 45-53).

17. As per claim 20 & 21 Inoue-Kostreski disclosed the method of claim 17 wherein said audio signal is a multichannel audio signal, further comprising folding said multichannel audio

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signal into a stereo audio signal and compressing said stereo audio signal to generate said digital output signal. (Inoue, col.8, lines 13-18).

18. As per claim 24 Inoue-Kostreski disclosed the method of claim 17 further comprising transferring said digital output signal to a digital audio reproduction device (col.2, lines 32-49.

Response to Arguments

19. Applicant's arguments filed 5 July 2005 have been fully considered but they are not persuasive. When reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

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20. The applicant argued "Inoue does not disclose or even appreciate that it is useful to separate from multimedia program the audio portion and process this audio portion and process this audio portion into a digital audio signal that is compatible with a digital audio device used to reproduce and play digital audio signals".

21. As to applicants arguments Inoue disclosed the processing of audio portions of the signal of a digital broadcast signal (containing video & audio) {col.4, lines 59-67 & col.5, lines 1-14), Inoue also disclosed processing of these signals in detail (col.7, lines 49-67) and further disclosed the compatibility of the signals with the external devices (col.8, lines 1-24).

Conclusion

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AB

Asghar Bilgrami
Examiner
Art Unit 2143


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